

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Kim	Team: Squad #9	CCRB Case #: 202005507	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/07/2020 12:05 AM	Location of Incident: Southwest corner of Washington Square North and 5th Avenue	Precinct: 06	18 Mo. SOL 2/7/2022	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 08/07/2020 12:55 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/07/2020 12:55 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Scagnelli	14689	964281	006 PCT
2. POM Shamari Roberts	14926	966306	006 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Vincent	23708	946375	006 PCT
2. POM Brian Ferguson	06843	938470	006 PCT
3. POM Eric Fabrizio	27211	967059	006 PCT
4. POM Jason Mangual	30450	967181	006 PCT
5. POF Nercy Burgos	26131	948717	006 PCT
6. POF Patricia Ramos	24383	967280	006 PCT
7. POF Octavier Harvey	00459	934995	006 PCT
8. POM Brian Hardman	04990	965170	006 PCT
9. DI Robert Ohare	00000	916960	MTS PCT
10. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.POM Shamari Roberts	Force: Police Officer Shamari Roberts used physical force against an individual.	
B.POM James Scagnelli	Force: Police Officer James Scagnelli used physical force against an individual.	
C.POM James Scagnelli	Abuse: Police Officer James Scagnelli refused to provide his shield number to § 87(2)(b)	

Case Summary

On August 7, 2020, § 87(2)(b) filed this complaint with the CCRB via the CCRB's on-line website [BR01].

On August 7, 2020, at the corner of Washington Square North and 5th Avenue in Manhattan, at approximately 12:05 a.m., a group of approximately 30 civilians gathered as approximately 25 police officers arrested § 87(2)(b) and placed him in a police vehicle. An unidentified female (F1) approached Police Officer Shamari Roberts of the 6th Precinct and shined her phone flashlight in his face. PO Roberts extended his arm and made contact with F1's chest (**Allegation A: Force**, § 87(2)(g)). F1 then proceeded to approach PO Roberts and push him in the chest. Police Officer James Scagnelli of the 6th Precinct moved from behind PO Roberts and pushed F1 in her chest and shoulder (**Allegation B: Force**, § 87(2)(g)). F1 stumbled back approximately 10 feet and fell on the ground. PO Scagnelli then got on top of F1. Both civilians and officers from the crowd then all piled on and attempted to pull people off PO Scagnelli and F1. § 87(2)(b) followed PO Scagnelli into Washington Square Park and asked for his shield number. PO Scagnelli did not respond to § 87(2)(b) and walked away from her (**Allegation C: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was arrested in relation to this incident. § 87(2)(b) provided cell phone footage of the incident [BR02]. There were 12 body-worn camera (BWC) videos provided in relation to this incident over two requests [BR03-BR06].

Allegation (A) Force: Police Officer Shamari Roberts used physical force against

§ 87(2)(b)

It is undisputed that on August 7, 2020, at approximately 12:05 a.m., § 87(2)(b) was arrested inside of Washington Square Park. As he was walked out of the park by multiple officers, a group of civilians followed § 87(2)(b) repeatedly yelled at officers asking why § 87(2)(b) was being arrested. Civilians continued to gather while § 87(2)(b) was being placed in a police vehicle at the corner of Washington Square North and 5th Avenue.

§ 87(2)(b) stated that during this time, an unidentified female (F1) was shining a phone camera light in PO Roberts' face and was approximately one foot away from him. PO Roberts extended his arm, to keep distance between himself and F1, making contact with her.

§ 87(2)(b)'s video (Board Review 08) begins with the interaction between F1 and PO Mangual from a few feet behind F1. While there appears to be some physical interaction between the two, it is unclear exactly what occurs and what PO Robert sees before interacting with F1.

BWC footage from PO Jason Mangual shows at 03:15 minutes, officers walking § 87(2)(b) out of Washington Square Park to a patrol vehicle, while a group of civilians follow behind them. PO Mangual continuously tells the civilians, which include F1, to back up. The civilians do not comply and continue to follow the officers and § 87(2)(b) to the police vehicle. At 3:52 minutes, F1 is seen holding her phone with the flashlight on toward the officers as PO Mangual continues to yell, "Get back." PO Roberts comes from behind F1, steps in front of her, and appears to push her back [BR 06].

BWC footage from PO Roberts shows at 04:15 minutes, PO Roberts runs out of Washington Square Park past other officers, breaks through a barrier, approaches F1 from behind, and then pushes her back away from PO Mangual [BR03].

Patrol Guide Procedure No: 221-01 [BR07] states that force may be used when it is reasonable to ensure the safety of a member of the service or a third party, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Force: Police Officer James Scagnelli used physical force against

§ 87(2)(b)

Cell phone footage provided by § 87(2)(b) shows that after PO Roberts pushes F1, F1 moves back toward PO Roberts and pushes him in the chest. PO Scagnelli immediately pushes F1 in the chest, causing her to fall backward and land on the ground. PO Scagnelli runs toward F1 and gets on top of her. A crowd of both officers and civilians converge on PO Scagnelli and F1 [BR08].

PO Scagnelli stated that he pushed F1 with both of his hands in F1's arms and shoulder area after seeing her push PO Roberts. PO Scagnelli stated that he pushed F1 so he could get her a safe distance away from PO Roberts and other officers in order to arrest her for pushing PO Roberts. PO Scagnelli stated that he wanted to create this distance for the safety of officers and other individuals in the direct vicinity in case F1 was resistant to being arrested. F1 fell to the ground and PO Scagnelli then went on the ground and attempted to grab F1's wrists to handcuff her. F1 physically resisted by moving her hands away from PO Scagnelli's grasps.

Patrol Guide Procedure No: 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody [BR07].

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer James Scagnelli refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that multiple people in the crowd asked PO Scagnelli for his name and shield number. PO Scagnelli yelled his first and last name and his shield number, but § 87(2)(b) was unable to write the number down. § 87(2)(b) followed PO Scagnelli and told him that she needed to report the incident and asked for his shield number. PO Scagnelli ignored § 87(2)(b) and walked away from her. § 87(2)(b) was approximately four feet away from PO Scagnelli when this occurred.

BWC footage from PO Peter Plessa of the 6th Precinct shows at 17:45 minutes, after the crowd had dispersed, § 87(2)(b) approaches PO Scagnelli and PO Roberts. § 87(2)(b) asks PO Scagnelli, "Can I have your number, Scagnelli please? Can I please have your number?" PO Scagnelli appears to respond but it is inaudible. § 87(2)(b) says "You gave it to me before, can I have it again?" PO Scagnelli appears to respond but it is inaudible. § 87(2)(b) says, "Why? Sorry this is not okay. What is your number?" § 87(2)(b) then proceeds to walk away [BR09].

PO Scagnelli stated that § 87(2)(b) approached him and PO Roberts in Washington Square Park and asked PO Scagnelli for his shield number. PO Scagnelli provided his shield number. PO Scagnelli did not recall if § 87(2)(b) acknowledged receiving his shield number or wrote it down. PO Scagnelli did not initially recall § 87(2)(b) asking for his shield number a second time. PO Plessa's BWC footage was played at 43:00 minutes in the interview recording during PO Scagnelli's interview. The footage was played from 17:29 minutes to 18:17 minutes. PO Scagnelli independently recalled the second interaction with § 87(2)(b) after viewing the footage. PO Scagnelli stated that he did not think he responded when § 87(2)(b) asked for his shield number again as he had provided it to her before. PO Scagnelli stated that to his understanding if he had provided his shield number to a civilian once and they asked again, he did not have to provide it. PO Scagnelli stated that he did not have to

provide it on second request because if a civilian stood there and asked him 10 times in a row, he would not have to say it 10 times in a row.

Patrol Guide Procedure No: 203-09 states that when a uniformed member of the service interacts with a member of the public they must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests that they do so [BR10].

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint § 87(2)(b) has been party to [BR11].
- PO Roberts has been a member of service for two years. PO Roberts has not been the subject in any prior complaints. § 87(2)(g)
- PO Scagnelli has been a member of service for three years. PO Scagnelli has not been the subject in any prior complaints. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- According to the New York City Office of the Comptroller, § 87(2)(b) had not filed a Notice of Claim regarding this incident as of February 18, 2021 [BR12].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 9

Investigator:	<u>Noah Kim</u>	<u>Investigator Kim</u>	<u>07/16/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>02/03/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date